

# NEW ONLINE SERVICE ALERTS INDUSTRY TO TRADE-RELATED TECHNICAL REGULATIONS

by JoAnne Overman,

*National Center for Standards and Certification Information, National Institute of Standards and Technology*

A new free service — Export Alert! — available through the National Institute of Standards and Technology (NIST), serves as an early warning system for U.S. exporters. It automatically alerts businesses and other organizations to changes in trade-related technical regulations proposed by U.S. trading partners.

Unexpected changes in rules and regulations that affect the treatment of imported goods can be costly and cause unwanted surprises for exporters. Since regulations dictate many of the terms of market entry, changes in the standards or other technical requirements they contain can have trade-distorting effects.

New or revised technical requirements may introduce hurdles for achieving and demonstrating compliance with technical regulations that can delay or even prevent market entry. Satisfying new requirements might entail additional testing, or it could even necessitate redesigning products or services.

According to the Organization for Economic Cooperation and Development, approximately 80 percent of international trade and goods are

affected by standards and regulations, creating the potential for unwelcome surprises for U.S. exporters.

A collaboration between the Commerce Department's National Institute of Standards and Technology (NIST) and the International Trade Administration (ITA), a service called Export Alert! will gather, organize, and disseminate notifications of proposed regulatory changes issued by the 142 nations that are members of the World Trade Organization (WTO).

## EXPORT ALERT

Export Alert!, an Internet-based service, sends e-mail notifications of pending changes to subscribing companies, organizations, and other parties interested in trade developments. The automatic notice provides subscribers with the opportunity to assess the impacts of the proposal and to comment on proposed technical regulations that may restrict market access.

Under the Agreement on Technical Barriers to Trade (TBT Agreement), part of the WTO treaty signed in 1995, members are required to report proposed new or amended technical regulations to the WTO Secretariat in Geneva, Switzerland. In turn, these notifications are made available to WTO members' national inquiry points. NIST's

National Center for Standards and Certification Information (NCSCI) is the designated U.S. TBT inquiry point.

## COMPETITIVE ASSET

One of the major provisions of the TBT Agreement calls for advance notification of proposed technical regulations that can influence trade. Each WTO member is required to report proposed central government regulations that may have an impact on trade. "For U.S. companies," explains Stephen Jacobs, Deputy Assistant Secretary for Agreements Compliance, "Export Alert! will make it easier for U.S. companies to stay on top of foreign technical regulations that affect their overseas business. Advance early warning should help U.S. companies take advantage of the WTO TBT Agreement obligations to review and comment on proposed technical regulations and head regulations before they become barriers to trade. Timely information can be a competitive asset."

Last year, WTO members issued over 600 TBT-related notifications. The greatest volume of notifications was issued in the areas of telecommunications, appliances, beverages, chemicals, food products, electrical equipment, motor vehicles, and construction products.

As the official WTO inquiry point for the United States, NCSCI receives

copies of the WTO TBT notifications. Informational items in the notification include the country of origin, the product covered, a brief description of the proposed regulation, and the deadline for comments.

"Tracking the development of trade-related technical regulations requires constant vigilance," explains Richard Kayser, head of NIST's Technology Services. "Export Alert! should simplify this job and provide additional lead time for U.S. industry to organize effective responses. Export Alert! will be an important addition to the services and resources that we and ITA currently offer."

#### SUBSCRIBE NOW

Subscribers to Export Alert! can select industry sectors they wish to track based on the International Classification for Standards designation, comprising 41 industry sectors that range from health-care technology to agriculture and construction material. They can also select specific countries or regions, such as Japan or the European Union.

After receiving e-mail notifications, subscribers can contact NCSCI to receive full-text copies of the proposals. In turn, the Center can also distribute comments by U.S. organizations to the notifying country for its consideration.

Export Alert! was launched during the U.S. celebration of World Standards Day on October 10 - 11, 2001, in Washington, D.C. Organizations and individuals interested in subscribing to the service can sign up on-line at <http://ts.nist.gov/ncsci> or by e-mailing NCSCI at [ncsci@nist.gov](mailto:ncsci@nist.gov). ■

For additional information on subscribing, contact NCSCI at (301) 975-4040 or at [ncsci@nist.gov](mailto:ncsci@nist.gov). To learn more about NCSCI and its service visit its web site at <http://ts.nist.gov/ncsci>

## TBT AGREEMENT AT A GLANCE

Part of the 1995 treaty that established the World Trade Organization, the Agreement on Technical Barriers to Trade (TBT) aims to prevent technical regulations, standards, and product testing and certification procedures that can create technical barriers to trade. It expanded on a more limited standards code, which was adopted in a previous round of trade negotiations. All 140 WTO members ([http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm)) are parties to the TBT Agreement, which entered into force on January 1, 1995, and has no expiration date.

The objective of the Agreement on Technical Barriers to Trade (TBT) of the World Trade Organization (WTO) is to ensure that technical regulations, product standards, and "conformity assessment procedures" (testing and certification procedures) do not create unnecessary obstacles to world trade. The agreement commits WTO members to use, when appropriate, international standards in their technical regulations. However, if an international standard does not meet the regulatory needs or is inappropriate, a nation can choose to set its own standard. For example, a government can establish a higher level of protection than an international standard if that standard does not meet its necessary human health and safety requirements.

The TBT agreement also requires WTO members to issue notifications on any draft technical regulation or conformity assessment procedures that may significantly influence trade. Governments are required to notify the WTO Secretariat of the proposed measures, including information on the objectives and rationales behind the measures and on the products covered. "Such notifications," the TBT Agreement specifies, "shall take place at an early appropriate stage, when amendments can still be introduced and comments taken into account."

The WTO Secretariat distributes notifications via its web site and to all WTO members. The agreement calls for nations to provide "reasonable" time for comment by members and a period of time for members to adjust to the final version of the technical regulation.

In the United States, NIST's National Center for Standards and Certification Information (NCSCI) is the designated point of inquiry for measures concerning non-agricultural products. Through the new Export Alert! service, NCSCI will make notifications of other nations' proposed technical regulations and conformity assessment procedures immediately available to subscribers.